

### **REMARKS**

The Examiner's comments from the Office Action mailed April 22, 2008 have been carefully considered. Claims 1, 7, 8, 11-19, 42-48, 50-52, 54-70, and 72-74 remain pending in the application. Claims 3, 5, 6, 10, 53, and 75 have been canceled without prejudice or disclaimer. Claims 1, 8, 15, 42-44, 50, 52, 72, and 73 have been amended. The cross-reference paragraphs of the specification also have been amended. Support for these changes can be found throughout the specification and figures. No new matter has been added.

Reexamination and allowance of the pending claims are respectfully requested.

### **Objections to the Specification**

Formal objection has been made to the specification for omitting the current status of each application listed in the cross-reference paragraphs. The Examiner's comments have been considered and appropriate correction has been made. The current status of each listed application has been added to these paragraphs. No new matter has been added. Accordingly, withdrawal of the objection is respectfully requested.

### **Objections to the Claims**

Formal objection has been made to claim 50 for lack of antecedent basis of the term "branch vessel." The Examiner's comments have been considered and appropriate correction has been made. No new matter has been added. Accordingly, withdrawal of the objection is respectfully requested.

### **Claim Rejections**

Claims 1, 3, 5-8, 10, 12, 13, 15-19, 42-48, 50-53, 55, 56, 59-70, and 72-75 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,165,195 to Wilson et al. (hereinafter "Wilson") in view of U.S. Patent No. 6,576,009 to Ryan et al. (hereinafter "Ryan") or U.S. Patent No. 5,669,924 to Shaknovich (hereinafter "Shaknovich") or U.S. Patent No. 5,609,627 to Goicoechea et al. (hereinafter "Goicoechea"). Claims 3, 5, 6, 10, 53, and 75 have been canceled without prejudice or disclaimer, thereby rendering the rejection with respect

to these claims moot. With respect to claims 1, 7, 8, 12, 13, 15-19, 42-48, 50-52, 55, 56, 59-70, and 72-74, Applicants respectfully traverse the rejection.

Claim 1 recites, in part, a first catheter radiopaque marker arranged on a catheter distal of a stent; a second catheter radiopaque marker arranged on the catheter proximal of the stent; and a third catheter radiopaque marker arranged on the catheter aligned with a side hole of the stent. Claim 1 also recites a first side member radiopaque marker positioned on the side member at a free distal end of the side member; and a second side member radiopaque marker positioned on the side member at a location spaced from the first side member radiopaque marker. The second side member radiopaque marker is arranged aligned with the side hole of the stent when the free distal end of the side member extends into a branch vessel.

None of the cited reference can be combined to disclose or suggest the configuration of catheter radiopaque markers and side member radiopaque markers recited in claim 1. The Office Action admits that Wilson does not even disclose placing multiple markers on an element. See page 3 of the Office Action. None of the secondary references cited in the Office Action disclose a catheter with a first catheter marker distal a stent, a second catheter marker proximal a stent, and a third catheter marker aligned with a side hole of a stent in combination with a side member having a first side member marker at a free distal end of the side member and spaced from a second side member marker. No reason is provided in any of the references to arrange the markers according to the claimed configuration.

For at least these reasons, Wilson would not lead a person skilled in the art to the invention of claim 1, even in view of Ryan, Shaknovich, and/or Goicocchia. Claims 7, 8, 12, 13, 15-19, and 42-48 depend from claim 1 and are allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 1, 7, 8, 12, 13, 15-19, and 42-48 are respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 50 recites, in part, a first catheter radiopaque marker arranged on a catheter distal of a stent; a second catheter radiopaque marker arranged on the catheter proximal of the stent; and a third catheter radiopaque marker arranged on the catheter aligned with a side hole of the stent.

Claim 50 also recites a first side member radiopaque marker positioned on a side member at a distal end of the side member; and a second side member radiopaque marker positioned on the side member at a location spaced from the first side member radiopaque marker. The second side member radiopaque marker is aligned with the side hole of the stent when the distal end of the side member has passed through the side hole and into a branch vessel.

None of the cited reference can be combined to disclose or suggest the configuration of catheter radiopaque markers and side member radiopaque markers recited in claim 50. The Office Action admits that Wilson does not even disclose placing multiple markers on an element. See page 3 of the Office Action. None of the secondary references cited in the Office Action disclose a catheter with a first catheter marker distal of a stent, a second catheter marker proximal of a stent, and a third catheter marker aligned with a side hole of a stent in combination with a side member having a first side member marker at a distal end of the side member and a second side member marker aligned with the side hole of the stent. No reason is provided in any of the references to arrange the markers according to the claimed configuration.

For at least these reasons, Wilson would not lead a person skilled in the art to the invention of claim 50, even in view of Ryan, Shakhovich, and/or Goicoechea. Claims 51, 52, 55, 56, and 59-70 depend from claim 50 and are allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 50-52, 55, 56, and 59-70 are respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 72 recites, in part, a first catheter radiopaque marker arranged on a catheter distal of a stent; a second catheter radiopaque marker arranged on the catheter proximal of the stent; and a third catheter radiopaque marker arranged on the catheter aligned with a side hole of the stent. Claim 72 also recites a side member having at least two side radiopaque markers positioned on the side member. A first of the side radiopaque markers is spaced from a second of the side radiopaque markers.

None of the cited reference can be combined to disclose or suggest the configuration of catheter radiopaque markers and side member radiopaque markers recited in claim 72. The

Office Action admits that Wilson does not even disclose placing multiple markers on an element. See page 3 of the Office Action. None of the secondary references cited in the Office Action disclose a catheter with a first catheter marker distal of a stent, a second catheter marker proximal of a stent, and a third catheter marker aligned with a side hole of a stent in combination with a side member having a first side member marker spaced from a second side member marker. No reason is provided in any of the references to arrange the markers according to the claimed configuration.

For at least these reasons, Wilson would not lead a person skilled in the art to the invention of claim 72, even in view of Ryan, Shakhovich, and/or Goicoechea. Claim 74 depends from claim 72 and is allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 72 and 74 are respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 73 recites, in part, catheter radiopaque markers including a first catheter radiopaque marker arranged on a catheter distal of a stent; a second catheter radiopaque marker arranged on the catheter proximal of the stent; and a third catheter radiopaque marker arranged on the catheter aligned with a side hole of the stent. Claim 73 also recites first and second side member radiopaque markers positioned on a side member. The first and third catheter radiopaque markers and the first and second side member radiopaque markers are juxtaposed in a first configuration and separated in a second configuration.

None of the cited reference can be combined to disclose or suggest the configuration of catheter radiopaque markers and side member radiopaque markers recited in claim 73. The Office Action admits that Wilson does not even disclose placing multiple markers on an element. See page 3 of the Office Action. None of the secondary references cited in the Office Action overcome Wilson for at least the reasons noted above. No reason is provided in any of the references to arrange the markers according to the claimed configuration.

For at least these reasons, Wilson would not lead a person skilled in the art to the invention of claim 73, even in view of Ryan, Shakhovich, and/or Goicoechea. Withdrawal of the rejection and allowance of claim 73 are respectfully requested. Applicants do not otherwise

concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claims 11, 54, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Ryan, Shaknovich, and Goicoechia as applied to claim 1 above, and further in view of International Publication No. WO 96/34580 to Dibie (hereinafter "Dibie"). Applicants respectfully traverse the rejection.

Claim 11 depends from claim 1 and is allowable over Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 1. Dibie does not overcome the shortcomings of Wilson, Ryan, Shaknovich, and Goicoechia. Dibie also does not disclose the recited marker configuration.

Claims 54 and 58 depend from claim 50 and are allowable over Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 50. Dibie does not overcome the shortcomings of Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 11.

For at least these reasons, Wilson, Ryan, Shaknovich, and Goicoechia would not lead a person skilled in the art to the inventions of claims 11, 54, and 58, even in view of Dibie. Withdrawal of the rejection and allowance of claims 11, 54, and 58 are respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claims 14 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, Ryan, Shaknovich, and Goicoechia as applied to claim 1 above, and further in view of U.S. Patent No. 5,851,464 to Davila et al. (hereinafter "Davila"). Applicants respectfully traverse the rejection.

Claim 14 depends from claim 1 and is allowable over Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 1. Davila does not overcome the shortcomings of Wilson, Ryan, Shaknovich, and Goicoechia. Davila also does not disclose the recited marker configuration.

Claim 57 depends from claim 50 and is allowable over Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 50. Davila does not overcome the shortcomings of Wilson, Ryan, Shaknovich, and Goicoechia for at least the same reasons as discussed above with respect to claim 14.

For at least these reasons, Wilson, Ryan, Shaknovich, and Goicoechia would not lead a person skilled in the art to the inventions of claims 14 and 57, even in view of Davila. Withdrawal of the rejection and allowance of claims 14 and 57 are respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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